



COMMONWEALTH of VIRGINIA

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Dr. Billy Cannaday, Jr.
Superintendent of Public Instruction
Department of Education
Monroe Building
101 North 14th Street
Richmond, VA 23219

**Re: Repeal of Regulations Governing the Operation
Of Proprietary Schools and Issuing of Agent Permits
(8 VAC 20-350-10 *et seq.*)**

Dear Dr. Cannaday:

You ask whether the Board of Education possesses the requisite authority to repeal the above-referenced regulations.

Section 22.1-16 vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. Prior to 2004, these regulations govern both private career schools and private day schools for students with disabilities. The 2004 General Assembly severed these two aspects, transferring regulatory authority over private career schools to the State Council for Higher Education for Virginia *See* Chapter 991 of the 2004 Acts of Assembly. The legislation continued the regulations of the Board of Education over proprietary schools until such time as SCHEV promulgated regulations on the subject. SCHEV's regulations over proprietary schools became effective July 26, 2006. The Board of Education had previously adopted regulations over private day schools for students with disabilities. *See* 8 VAC 20-670-10 *et seq.* As a result, the above-referenced regulations are unnecessary. The formal repeal of these regulations is a prudent act.

The foregoing represents my personal view and is not an official opinion of the Attorney General. If you require additional assistance on this matter, please do not hesitate to contact me.

Yours truly,

Deborah A. Love
Senior Assistant Attorney General